



Appeal Decision

Inquiry opened on 22 January, and resumed on 12 February, 2013

Site visit made on 28 January 2013

by C A Thompson DiplArch DipTP Reg Arch RIBA MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 March 2013

Appeal Ref: APP/Y3940/A/12/2183526

Land South of Filands, MALMESBURY, Wiltshire SN16 9JL

- The appeal is under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant outline planning permission.
 - The appeal is by Gleeson Strategic Land against the decision of Wiltshire Council.
 - The application Ref N/11/04126/OUT, dated 21/12/2011, was refused by notice dated 21/3/2012.
 - The development proposed is an outline application for a residential development comprising up to 180 residential dwellings and provision of land for a primary school. All matters are reserved except the principle of the development and the access.
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Formal Decision

1. The appeal is allowed and outline planning permission is granted for the development proposed, that is a residential development comprising up to 180 residential dwellings and provision of land for a primary school, with all matters reserved except for the principle of the development and the access, on land south of Filands, MALMESBURY, Wiltshire SN16 9JL in accordance with the terms of the application, reference N/11/04126/OUT, dated 21/12/2011, the plans submitted with it, and subject to the conditions set out in the Annex A to this decision.

Preliminary Matters

The Inquiry

2. Ran for a total of 8 days. It opened on Tuesday 22 January and continued for 4 days before being adjourned on the Friday. The Inquiry then resumed on Tuesday 12 February, ran for another 4 days, and closed on the afternoon of Friday 15 February. I carried out an extensive accompanied site inspection during Monday 28 January which included a wide circular tour of the appeal site, and the surrounding land, on foot and a visit to the back garden of one of the homes of an objector who lived in Michael Pym's Road. (All dates are 2013).

The Unitary District

3. Wiltshire Council has been formed in the last few years by the joining together of the former North, East (Kennet), South (Salisbury) and West, Wiltshire Districts.

Reasons for Refusal Not Pursued

4. The Council originally identified five reasons for refusing the outline planning application the subject of this appeal. But three of these reasons were not pursued by the Council at the Inquiry: reason 3 because it was satisfied that required infrastructure contributions were achieved, through a completed section 106 Unilateral Undertaking (UU), which the Council confirmed was Community Infrastructure Levy (CIL) compliant (copy of signed UU at Inquiry Document 4); reason 4 because of the Air Quality Assessment (produced by Stuart Michael Associates (reference 3894/AQA and dated March 2012) answered its concerns about air pollution, and; reason 5 because the submission of revised Supplementary Design Information on behalf of the Appellant, by BDA Landscape Design Planning (dated November 2012), reasonably addressed perceived design shortcomings. (Copies of both documents (air quality and design) are attached to the Statement of Common Ground at Inquiry Document 1.) I have no reason to disagree with these Council conclusions.

Planning Policy

Development Plan (DP)

5. It was a matter of agreement between the main parties that the Development Plan (DP), to which section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Act, applied comprised: Regional Planning Guidance 10 for the South West 2016 (RPG10) adopted September 2001; saved policies of the Wiltshire and Swindon Structure Plan 2016 (WSSP) adopted April 2006, and; saved policies of the North Wiltshire Local Plan 2011 (NWLP) adopted June 2006. The appropriate weight to be given to these DPs, and their policies, was as set out in paragraphs 214 and 215 of the National Planning Policy Framework (NPPF).

Emerging Planning Documents

6. These include the draft Wiltshire Core Strategy ((dWCS) as submitted to the Planning Inspectorate (PINs) on 10 July 2012) and an emerging Malmesbury Neighbourhood Plan (dMNP). The dWCS is about to be Examined by a PINs Inspector and if found to be sound could be adopted by the end of 2013 or at the beginning of 2014. The dMNP, on the other hand, has only just been prepared by the Malmesbury Neighbourhood Steering Group (MNSG) and the Consultative Draft was not published until 5 March 2013 (just after the close of this Inquiry). As set out at paragraph A4 of the dMNP the present draft plan has now to: be subjected to a period of public consultation; an inspection by Wiltshire Council; an Examination by an independent Inspector, and; a referendum at which the residents of all 3 Parishes (Malmesbury Town Council, St Paul Malmesbury Without Parish Council and Brokenborough Parish Council) will vote on whether to adopt it.
7. Paragraph 216 of the NPPF indicates that *...From the day of publication, decision takers may also give weight to the relevant policies in emerging plans according to, amongst other factors, the plan's stage of preparation (the more advanced the preparation the greater the weight may be given)...* The implication is that some weight can be given to the dWCS, which has progressed some considerable way along its adoption process. But, although

now published and supported by the 3 Parish Councils, only very limited weight can be given to the dMNP because its adoption process has a long way to go.

Other Relevant Policy Documents

8. These include: the Secretary of State's, July 2008, Proposed Modifications to Regional Planning Guidance 10 for the South West (dRPG), and; the 2012 NPPF.

Main Issues

9. There are 4 main issues in this case. These are:
 - (i) The status of the appeal site in regard to the DP;
 - (ii) Whether there is a relevant 5 year supply of housing land;
 - (iii) Whether the appeal proposals are sustainable development to which the presumption in favour, identified by paragraph 14 of the NPPF, applies, and;
 - (iv) Notwithstanding my conclusions on the foregoing whether, in any event, the appeal proposals are so premature as to require the withholding of planning permission.

My Reasoning

First main Issue

10. In regard to green field housing proposals, the relevant DP policy is saved policy H4 of the NWLP. Despite the permissive wording of the introduction to this policy it is, in its application, a restrictive one. The policy aims to prevent the building of new dwellings outside defined Settlement Framework Boundaries (SFBs) unless the houses are needed for agricultural purposes or are replacement dwellings. The appeal site is not for either of the 2 permitted residential development categories. Because the Filands land is located outside the SFB for Malmesbury developing it would be in conflict with policy H4.
11. The NWLP had an end date of 2011, and the plan was apparently made under the old, pre 2004, system of DP preparation. Consequently, as indicated by paragraph 214 of the NPPF, and footnote 39, its policies cannot be given full weight. Nevertheless as set out in paragraph 215 of the NPPF, which the main parties agreed should apply *...due weight should (still) be given to relevant policies in existing plans according to their degree of consistency with this framework ... (that is the NPPF) and ...the closer the policies in the plan to the policies in the... (NPPF)... the greater the weight that may be given...*
12. The objective behind policy H4 is maintained in the dWCS which, under the heading Core Settlement Policy 1: Settlement Strategy, paragraph 4.16, indicates that there is a general presumption against development outside the defined limits of, amongst others, market towns including Malmesbury. The tightly drawn SFB hereabouts would not change and the dWCS continues to seek to protect the countryside.

13. The same countryside protection theme is maintained in the NPPF where the "Core Planning Principles" acknowledges the need for the continued recognition of *...the intrinsic character and beauty of the countryside...* and for there to be a sustained need for planning to *...contribute to conserving and enhancing the natural environment...* (paragraph 17, 5th and 7th bullet points). Also the NPPF (at paragraph 55) stresses that the promotion of sustainable development in rural areas means avoiding *...new isolated homes in the countryside...* except in specific, and quite limited, circumstances none of which apply in this case. The need to minimise travelling (NPPF paragraph 34), as a matter of logic, supports the notion that development should be concentrated in and around existing, or proposed, places where jobs and services are concentrated; or put another way not normally in open countryside.
14. Earlier versions of dWCS, which included some strategic allocations for market towns (since replaced), identified a significant part of the appeal site as, what was then, a strategic housing site for Malmesbury. This fact, together with the terms of the dMNP (which similarly identifies the need for a significant amount of green field housing outside the SFB) indicates that it will not be possible to find sufficient future development land within the market town's existing built-up area. It is clear to me, therefore, that Malmesbury's existing SFB will need amendment to provide for some of the remaining 270 or so extra houses that the dWCS indicates will have to be provided for the town before 2026. It follows that it is not a question of if, but rather one of where and when, the SFB has to change.
15. It is only the dMNP which identifies a specific preferred location, where the town's needed green field housing development could be sited. But this draft plan has just been published so only very limited weight can be given to it for the reasons already given. The NPPF tells us that, in these circumstances, the normal presumption in favour of the DP may be overridden and sustainable development should be approved without delay, as long as there are no adverse impacts which would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.

Second Main Issue

Background

16. In considering whether there is a deliverable 5 year supply of housing land in the district, I am not charged with making specific recommendations regarding the quantum of the land supply which might be needed. This is the task of the Examining Inspector who has been appointed to consider the soundness of the dWCS.
17. I have reflected on the considerable evidence and debate, which took place during this Inquiry, on the relative merits of the dRPG as opposed to the approach adopted in the emerging dWCS. (There was agreement between the main parties that it is only these 2 documents which have any relevance in the consideration of this point.) Although some previous Inspectors, considering appeals concerning Housing Land Supply (HLS) in Wiltshire, have preferred the dRPG, this is not necessarily a good reason for me to do the same.

18. I accept that the dRPG is the latest document to have undergone an examination in public (EIP) but there are serious drawbacks with using this document's HLS conclusions. Concerns include: the impending revoking of RPG10 which means that the dRPG will never now be adopted; the problems surrounding interpretation of the substantially different housing market areas (HMAs) used, and; the continuing dispute as to whether the "aggregated" or "disaggregated" approach (that is whether housing numbers for Wiltshire's contribution to Swindon's needs, and those of Chippenham) should be used in the relevant HLS calculations.
19. Bearing in mind that the dWCS has moved on since the previously determined appeals, and is now about to be Examined, it seems to me that the time has come to rely upon the more up-to-date analysis in this document for my assessment. Despite the outstanding 40 or more objections, to the HLS part of the emerging plan, the dWCS has progressed far enough for it to be given some weight.
20. It is also not for me to pre-empt the dWCS Examining Inspector's conclusion, on the plan's soundness, by choosing a significantly different HLS calculation to determine my appeal so close to his examination. This is another good reason for me to use the dWCS data to determine this appeal.

Relevant National Policy

21. The NPPF, at paragraph 47, under the heading "Delivering a Wide Choice of High Quality Housing", stresses the need to boost significantly the supply of housing. The second bullet point of this paragraph states that local planning authorities (LPAs) should *...identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years worth of housing against their housing requirements with an additional buffer of 5% ...to ensure choice and competition in the market for land...* And, under paragraph 49, *...that housing allocations should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a 5-year supply of deliverable sites...*
22. To be considered "deliverable" under the NPPF, footnote 11 to paragraph 47, makes it clear that sites *...should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on site within 5 years and, in particular, that development of the site is viable...*

dWCS Housing Land Supply Requirements

23. Of the total requirement of 37,000 new houses which the dWCS estimates is needed for the whole of Wiltshire District, between 2006-2026, it was agreed by the Appellant and the Council, in the "Statement of Common Ground on Housing Supply Matters" (HSoCG), that 21,400 dwellings were required within the North and West Wiltshire HMA. In using these estimates I realise that the Appellant opines (in those parts of the HSoCG which were not agreed) that these figures are too low but that is a matter for the dWCS Examination to resolve not me.
24. The dWCS 5 year supply of housing, for this HMA, is presently estimated to be 5,089 (taken from the Housing Requirements, in the 4th column of Table 1, in the HSoCG). Adding a minimum 5% buffer (for the purposes of my

analysis I have ignored the possibility that a larger 20% buffer might be justified) this figure rises to 5,343 ($5,089 \div 100 \times 5 = 254.45$ (rounded down to 254)) then ($254 + 5,089 = 5,343$). So if the deliverable 5 year requirement of new houses for this HMA falls below 5,343 then, as a matter of fact, there would not be a 5 year supply.

25. The relevant 5 year period, in regard to this main issue, was agreed to run from April 2012 to April 2017. The Council estimates that it can deliver 6,067 houses within this period.

Strategic Site Allocations

26. Looking at the areas of major dispute, on deliverable housing numbers in the HSoCG, the most controversy surrounds some Strategic Site (SS) housing allocations. They represent the provision of 1,753 new homes and form a significant part of the outstanding housing requirement for the North and West Wiltshire's HMA up to April 2017.
27. These larger SSs are likely to be more difficult to implement than smaller, non-strategic, ones. The land might, for example, be in multiple ownerships and could have significant pre-development infrastructure requirements. But any such, more complicated, implementation issues does not mean that lesser standards of proof should apply to any assessment as to whether the sites would be deliverable under the terms of footnote 11 to paragraph 47 of the NPPF; indeed, the reverse is the case. The test for proving a 5-year deliverable supply of housing should be on the balance of probabilities; that is, taking account of particular circumstances, whether something is more likely than not. The duty of proof should, to my mind, fall to the Council as the party doing the asserting that it has a 5-year supply.
28. Relying heavily on largely unsupported land owner, developer and agent, assurances as appropriate proof of when sites are likely to come forward, as the LPA seems to be doing, is not to my mind sufficient evidence of deliverability. Indeed, contrary to the opinion of the Council's witness, Mr Tiley, it seems to me that the threat that allocated sites, which show significant implementation problems, might be replaced with others, is a good reason for those sponsoring allocated sites to tend towards over-optimism, on likely house completions, when filling out Annual Monitoring Review (AMR) returns. This is because there is always the chance that deliverability difficulties, if they exist, will eventually be resolved giving the best chance for development to go ahead as long as the particular site remains allocated.
29. The relevant SSs causing me most concern include:
- (i) Ashton Park (700);
 - (ii) North Chippenham (Birds Marsh) (375);
 - (iii) Rawlins Green (200), and;
 - (iv) Landers Field (100);

None of these SSs have any planning permissions in place. They are generally part of bigger allocations but are expected to deliver the numbers of houses shown in brackets above within the next 5 year period (that is

within the 4 years or so remaining up to April 2017). A number of the SSS have already seen their AMR estimates slipping.

30. In the present absence of any detailed Council analysis for these sites it could be said that the LPA has not proved that any of them are deliverable, under the terms of the NPPF, using the appropriate test. But rather than take such an approach I will make my own assessment based on my experience of the development industry and the information (albeit limited) made available to me.

Ashton Park

31. This strategic allocation in Trowbridge is for 2,600 new homes and 15 ha of employment land. The Council envisages that 700 dwellings will be provided during the relevant 5 year period but, what apparently is the latest AMR, (Mr Tiley's Rebuttal Inquiry proof and its attached email from the Pegasus Group dated 13/12/2012) shows a lower figure of 600 (300 in each of the years 2015 /16 and 2016 /17). No planning application has yet been made.
32. Even setting aside the unanswered question of who pays for the significant, £13.9 million, likely cost of highway improvements, which appear to be needed to unlock the development potential of this site, there are other concerns which may delay its implementation.
33. Despite there being multiple developers involved Persimmon appears to have control over a not insignificant portion of the site. This company is presently building houses on land it controls, as part of an adjacent 650 house allocation, just to the north of Ashton Park; on what I am told is land adjacent to a former scrap yard, at Green Lane, Trowbridge.
34. There would appear to be a difference of opinion between Persimmon and Pegasus on Ashton Park's programming. In the December 2012 email to the Council, noted in paragraph 31 above, the Pegasus Group confirmed that 600 houses are estimated to be completed by the end of 2016 /17. But in a letter to the Appellant, dated 8 January 2013, Persimmon's Regional Land Director writes about Ashton Park in different terms. He states *...the land in Persimmon's control covers a significant part of the proposed allocation and includes a number of proposed site access locations, (and) we believe other landowners will be reliant on Persimmon delivering the access before they can commence. There are a number of currently unresolved technical issues regarding infrastructure and we are currently building out our Castle Mead site off Green Lane... (the former "scrap yard" land referred to above)... The letter goes on ...We remain committed to the (Ashton Park) site and to bringing it forward, (and) we are actively promoting the site through the local plan process. However, we do view it more as a medium term option and are not currently progressing towards a planning application...* (emphasis added).
35. As I have already explained there can be good reasons why some might want to present the most optimistic gloss on the deliverability of allocated sites in AMR returns. In this case the letter from the Regional Land Director of Persimmon pulls no punches and I'm inclined to give it more weight than Pegasus's more hopeful version of probable events. I set out more justification for this opinion below.

36. My professional understanding of the phrase "medium term" would equate to a probable delay in the delivery of houses on this site of some 5 years or so. Such an extended time-frame, for developing Ashton Park, would not be unreasonable bearing in mind that the company has just started to implement a major housing scheme on another site, part of the "former scrap yard" land, nearby. This other nearby development is presently programmed to continue to be implemented until 2022 /23, with house completions planned to peak during 2014 /15 and 2015 /16, tailing-off thereafter. Assuming Persimmon continues with its interest in bringing forward Ashton Park, and I have no reason to suppose that it wouldn't, the company is unlikely to be in a hurry to start building on the second major site any time soon. This is because providing house completions on 2 different sites, so close together, could put Persimmon into competition with itself; and there are only so many houses you can sell at any one time in any one area.
37. So despite what is set out in the AMR for Ashton Park if Persimmon do control access as they claim then, irrespective of what other developers on the site might want, matters are unlikely to proceed other than the way Persimmon's Regional Land Director prefers. So, with all this in mind, it appears to me that there is a good chance that this SS will not bring forward any new housing before April 2017 with a loss of 700 houses from the 5-year supply (cumulative running total 6,067-700=5,367 (or just 24 over the needed 5-year supply)).

North Chippenham.

38. This SS is a mixed use one with 2.5ha of employment land and a total allocation of 750 houses. The Council expects that 375 dwellings will be deliverable within the 5 year period; at a rate of 125 houses in each of the years 2014/15, 2015/16 and 2016/17. An outline planning application for a range of 650-750 dwellings has been submitted but not yet determined. There is already 1 year's slippage (in starts) taken from 2010 /11 AMR estimates.
39. This site has significant infrastructure requirements which include: the provision of a new link road between Malmesbury Road and Maud Heath Causeway; the delivery of a road link across the railway (in conjunction with Rawlins Green (see SS (iii) below)), and; Improvements to the A350 Malmesbury Road and corridor.
40. There are apparently more than 100 objections to the undetermined planning application. Significantly, the Highways Agency has unanswered concerns with regard to the impact of the proposed development on Junction 17 of the M4. As a result a second, 6 month TR110 Holding Direction, has been put in place which means that planning approval for the outline application cannot be granted before April 2013 at the earliest. There is no limit on the number of TR110 Holding Directions that can be made.
41. The possibility that a consortium, including Barratt Developments, Persimmon Homes and Heron Land, will press ahead early with addressing the site's specific issues does seem to me to be likely. Firstly, there is the threat that an undetermined Rights of Way Village Green and Common application poses to building hereabouts. Secondly, the planning applicant's apparent agreement to deferring the determination of the outline planning

application, until after the Inspector's report on the dWCS has been received (Mr Tiley's rebuttal proof 1.79), increases the uncertainty and could add significantly to the potential for delay on the site's deliverability. In regard to this last matter the best estimate for this plan's adoption was agreed to be by the end of 2013 or beginning of 2014. But another scenario, whereby the Examining Inspector does not find the dWCS to be sound, an entirely possible outcome (especially with so many outstanding objections to HLS matters to be considered), would result in longer delays; until the end of 2014 /beginning of 2015, or even beyond.

42. Although the development consortium states that it expects to start achieving the delivery of the allocated houses from 2014/15 (that is next year), at a rate of 125 houses per year there are few details, before me, of how this would be done. For example I would have expected a comprehensive breakdown of what appear to be extensive highway costs and who pays for what: I have been given no such details. Mr Tiley told the Inquiry that the information required by the Highways Agency is in hand but no evidence was presented to back-up his assertion that the present TR110 Holding Direction would be lifted any time soon or that another would not be put in its place when the present one runs out. Indeed, Mr Tiley's confidence is in stark contrast to a Highways Agency letter of 3 October 2012 which stated that at that time *...the information requested has yet to be supplied to the Agency...*
43. I doubt that sorting out the site's significant infrastructure problems, even ignoring the railway crossing, would be likely to be achieved in less than 12 months. Assuming such problems are resolvable that quickly, and supposing that the necessary detailed planning applications (for both the infrastructure works and the housing schemes), are formulated and submitted together (as well as supposing that the stalled outline planning application is determined favourably during the same period) getting all the necessary permissions in place would probably take a further 12 months or so. An additional 12 months would be likely to be required (using the developers own estimates of 125 houses /year) to get a first tranche of houses built.
44. Taking the beginning of 2015 as an entirely possible dWCS adoption date would mean that there would not be time to deliver any houses within the 5 year period. This would result in a loss of 375 dwellings, (cumulative running total $5,367-375=4,992$ (or 351 under the needed 5-year supply)).

Rawlins Green

45. This is a 700 house, and 6ha employment development, allocation; with 200 dwellings to be provided by April 2017. It shares infrastructure problems with SS (ii). No planning application has been made. There has already been 2 year's slippage (in starts) from the 2010 /11 AMR estimates.
46. My main concerns for this site are centred on the need to provide access across a railway line. The limited correspondence suggests that discussions between Barratt Homes and Network Rail are continuing and that there might be no major issues to be resolved in regard the principle of constructing the bridge over the railway. But from my professional experience I know how difficult it can be to achieve an actual rail crossing. Not only do negotiations tend to be time consuming but also it can be problematical to arrange necessary track possessions because of the costs

and disruption to train timetables. Whether or not the operator has problems with the principle of providing the necessary easement Network Rail will be likely to make full use of its "ransom" ownership rights, for the needed crossing, to gain a major share in any uplifted development values before any necessary easement would actually be forthcoming. Such costs could be large and may have a damaging impact on development viability. It also appears that there are archaeological and environmental issues which need to be addressed.

47. Like Mr Gimingham, the Appellant's highways witness, I would expect negotiations with Network Rail to take years rather than months so without some convincing detailed justification to the contrary it appears to me that the AMR timetable, which shows completions coming on-stream during 2015 /16, is unduly optimistic. To my mind it will be unlikely to expect any deliverable housing on this site before the end of the 5 year period with a loss of 200 deliverable homes (running total $4,992-200=4,792$ (or 551 under the needed 5-year supply)).

Landers Field

48. This is a 100-150 houses allocation where the LPA expects that 100 new dwellings will be provided by April 2017. The land is owned by the Wiltshire Council. There is already 1 year's slippage from the 2010 /11 AMR estimates.
49. An email from the Council's Strategic Projects and Developments Manager, dated 6 December 2012, indicates that the land is not going to be marketed until after the dWCS is adopted. This could trigger similar delays to those noted in my paragraph 41 above.
50. In addition to the uncertainty caused by the unknown dWCS adoption date, marketing the site and securing a sale could easily take 6 months or more. Formulating outline and detailed planning applications, if done together, could add at least another 6 months or so. The minimum time for the necessary permissions to be obtained would be 2 months with at least another 6-10 months for the first tranche of houses to be constructed (making a total of up to 2 years from the time of any adoption of the dWCS). Using the beginning of 2015 as a possible dWCS adoption date, which is not unreasonable in the light of the explanation already given, it would appear to me to be unrealistic to expect any houses to be built on the site before April 2017; resulting in a shortfall of 100 houses from the supply assumed under the dWCS (running total $4,792-100=4,692$ (or 651 under the needed 5-year supply)).
51. Taking into account the uncertainty surrounding just these four SSs it seems to me that, on the balance of probabilities, there is likely to be a shortfall in the 5 year supply of deliverable housing in the North and West Wiltshire HMA during the period up to April 2017. This means that, as indicated by paragraph 49 of the NPPF, relevant policies of the dWCS should not be considered to be up-to-date. This is another reason for overriding the normal presumption in favour of the DP and approving sustainable development without delay.

Third Main Issue

52. This concerns the presumption in favour of sustainable development, identified by paragraph 14 the NPPF, and whether it should apply in this case.
53. As already noted the major part of the appeal site was formerly a Strategic Housing allocation on the edge of Malmesbury (as identified in the October 2009 draft version of the Wiltshire Local Development Framework entitled "Wiltshire 2026 Planning for Wiltshire's Future"). Paragraph 3.8.8 and Figure 3.8.2 of this document shows the appeal site as the preferred strategic site for the market town capable of delivering up to 200 dwellings.
54. The same land was identified as the preferred option in the October 2009 Wiltshire Sustainability Appraisal Report (SAR). At paragraph 6.10.10 the site was categorised as performing *...most favourably in relation to the Sustainability Appraisal (SA)...*
55. Looking at SAR Table 6.8 the site scored positively in regard to: air quality and improvement; housing (significant positive effect); healthy communities; poverty and deprivation; education and skills, and; transport. There were neutral affects on: the historic environment, and; landscape. Uncertain effects were recorded for community facilities. As could be expected, for most green field development schemes, minor negative scores were recorded for: biodiversity; land and soil (although no good quality agricultural land is affected); water resources; waste management; economy (surprising because housing does benefit the local economy in regard to an element of household spending on retailing and other services in the town), and; employment (in that it doesn't directly provide any significant permanent jobs). Along with the other 3 sites analysed for Malmesbury in this SAR there was a significant negative impact recorded for climatic factors (any building, especially on green field sites, is likely to be damaging in this regard).
56. The appeal planning application it is in outline. All matters, except the principle of building up to 180 dwellings, and the provision of a primary school, on the land and access, are reserved for detailed submissions. Nevertheless a considerable amount of supporting detail is provided in the form of a number of Statements and Assessments.
57. The application's Sustainable Design and Construction Statement shows that the challenges of designing for sustainability are at the heart of the scheme. All buildings on the site would be energy efficient and some would incorporate renewable energy systems. The ecology of the site would be enhanced, and water would be used and managed sustainably. Materials would be environmentally friendly in construction, and waste would be suitably managed.
58. The Landscape, Townscape and Visual Impact, Assessment shows that the scheme's influence on its surroundings would be modest in scale and, in many ways, complementary to the existing suburban edge of the market town. Indeed, on this latter point, it appears to me that the appeal scheme represents an appropriate rounding-off to existing housing estate development hereabouts. As the modified, November 2012, illustrative layout shows the scheme would provide a new defensible landscaped urban

edge to the northern extent of Malmesbury which could be maintainable in the longer term.

59. The site is part of a gentle south-west facing slope, which dips from the B4014, with the land remaining broadly level to its north-west before falling away, gently, into a shallow valley.
60. Important landscape design principles include: the retention of mature trees - including the preservation of root protection areas (see also the Arboricultural Survey); using the existing field and hedgerow pattern to align and shape the development master plan (including retention of a large proportion of the existing hedgerows); creation of "avenue planting" appropriate to the proposed street hierarchy; using a soft landscape, and sustainable drainage network, on the lower parts of the site, and; implementing tree and shrub planting to give a soft edge to the development and screen views of the appeal site's proposed, and Reeds Farm's existing, housing from the B4014. In this way development would appear to me to be integrated well into the landscape.
61. There would be some interruption of long distance views of the Abbey but these are already disrupted by the Reeds Farm houses. Any additional visual harm this would bring would, to my mind, be more than compensated for by the new landscaped edge provided for this part of the town. In any event the retention of some views of the Abbey, from identified central parts of the scheme, is incorporated into the amended design.
62. The latest Supplementary Design Information, although illustrative, is a radical improvement on what was proposed in the version which accompanied the planning application. Changes include: the introduction of substantial terraces to give linked and varied built frontages; buildings specifically designed to "turn corners" and provide landmark "focal points"; the enclosure of front gardens, and; the introduction of Filands Road landscape buffers. All this indicates how any detailed scheme could be crafted to give an attractive and appropriate character. This revised document has been sufficiently compelling for the Council not to offer any evidence on its 5th reason for refusal.
63. The Environmental Desk Study, and the Flood Risk Assessment, does not identify any significant dangers. The Drainage Strategy aims to prevent flash-flooding, on the site and on land downstream from it, caused by storm water run-off, by using a Sustainable Drainage System (SuDS). In this regard the proposed works are likely to help alleviate some current problems whereby a number of existing Reeds Farm residents have already experienced recent flooding caused by uncontrolled run-off from the impervious clay soils of the present appeal site fields.
64. In forming my opinion on the acceptability of the proposed drainage works I have taken into account Ms Thomas's expert landscape concerns; especially those regarding the design of the storm detention areas. Clearly as the land in the valley bottom dips great care will be needed, at the detailed design stage, to ensure that these features are properly integrated into any reshaped landform. In particular some of the mistakes found in the provision of these "ponds" in some of the existing housing estates nearby, where steep cuttings and badly located drainage inlets and outlets, have

resulted in unattractive and potentially dangerous features, need to be avoided.

65. The report on Agricultural Land Classification indicates the presence of only moderate or poor quality land (sub-grade 3b and grade 4); none being higher grades worthy of preservation on food production grounds.
66. The Ecological Appraisal shows the site to comprise species poor, semi-improved, grassland. Such habitats are of low nature conservation value. The trees and hedgerows are restricted to field margins. They do provide a more diverse micro-habitat but are largely of interest to birds. In any event a large proportion of these existing features will be kept in any completed development (and strengthened by additional planting).
67. The desk based Archaeological Assessment identifies only a low potential for archaeological activity. Particularly, from the early Medieval period, the site is likely to have been part of an agricultural landscape although, due to the absence of previous archaeological investigation hereabouts, the potential for Roman and Saxon activity remains uncertain.
68. The Transport Assessment concludes that the site is a suitable, accessible, location for residential development and complies with local and national transport policies. The scheme could be accessed safely by both car and non-car modes and the vehicular trips generated can be accommodated safely on the local highway network. In particular any vehicular access from Webbs Way would be strictly limited and the location of the proposed primary school provides opportunities for local children to travel to school by non-car modes. The site's sustainability, in transport terms, is confirmed by the Technical Note agreed with the LPA (Inquiry Document 3).
69. The Utility Strategy and Site Investigation Report identifies no significant concerns surrounding the provision of electricity, water, gas or telecoms. However it is recognised that there is the need to divert an existing 11kV power line and provide a new electricity sub-station.
70. As noted above, the March 2012 Air Quality Assessment is sufficiently compelling for the Council to offer no evidence in regard to its 4th reason refusal.
71. The Appellant made it clear that if planning permission were to be granted, as part of this appeal, then the majority of the new houses would be completed before April 2017.
72. Taking all this into account the appeal scheme seems to me to be the kind of sustainable development which paragraph 14 of the NPPF urges LPAs to grant planning permission in a drive to boost housing provision.
73. In forming the opinion that planning permission should be granted now, I have taken into account the obvious loss of the site's present open aspect presently enjoyed by those living on the northern edge of the Reeds Farm estate. But such matters, which involve land not in the control of the people who currently have the benefit of looking over agricultural fields, cannot be a significant land use planning reason for preventing sustainable development. Any potential loss in value of the properties concerned is not a material land use planning matter either.

Fourth Main Issue

74. This involves the question of prematurity.
75. Policy guidance on this matter is found in the document entitled *The Planning System: General Principles (PSGP)* which was published in 2005 by the then Office of the Deputy Prime Minister. Paragraphs 17+18 state that a refusal of planning permission may be justifiable in some circumstances, on the grounds of prematurity, where a DPD is being prepared or is under review, but has not been adopted. But only ... *where a proposed development is so substantial, or where the community effect would be so significant, that granting planning permission could prejudice the DPD by predetermining decisions about the scale, location or phasing, of new development which are being addressed in the policy in the DPD...Otherwise, refusal of planning permission on grounds of prematurity will not usually be justified...*
76. In this case the issue of specific site provisions, for needed new housing, is a matter being addressed by the dWCS which anticipates a remaining requirement of 270 or so additional houses, to be provided by the town part of Malmesbury, during the period up to 2026. Although the appeal scheme, for some 180 more new dwellings on the outskirts of the settlement, represents about $\frac{2}{3}$ of the remaining dWCS allocation, the numbers are small compared with the 37,000 needed for the district as a whole or, indeed, the 21,400 extra dwellings required for the North and West Wiltshire HMA during the same time period.
77. Any refusal of planning permission, on the grounds of prematurity, has to set against other policy imperatives. Paragraph 47 of the NPPF, for example, makes it clear that LPAs should be aiming to *...boost significantly the supply of housing...* a clarion call echoed by the Secretary of State and Government Ministers, in recent statements, where the provision of more housing is seen as a means for encouraging much needed economic growth.
78. In this instance it is also pertinent to note that Malmesbury is a desirable place to live; so much so that house prices are about the second highest in the district. Also, Malmesbury as a market town, has the largest numbers of in-commuters for jobs in Wiltshire. Housing Supply numbers, embodied in the dWCS, are of course the minimum required.
79. Set against all this, and taking account of my conclusion that the appeal site is a sustainable one, I do not see that the development presently proposed could be taken as having such a negative community effect so as to invoke the terms of paragraphs 17+18 of the PSGP. Indeed, it is entirely feasible for there to be additional, and other, appropriate sustainable housing provisions for Malmesbury; which could include both the appeal site and the green field allocation preferred by the dMNP. The appeal scheme is not, therefore, so premature as to require withholding the grant of planning permission now.
80. In forming this opinion I have considered the impact that my decision might have on the production of the dMNP. This is being undertaken by the Malmesbury Neighbourhood Steering Group which is a judicious mix of appropriate local organisations. Before the dMNP's publication this month I

was privileged to receive 17 January, and 12 February, 2013 working drafts for my use in the determination of this appeal.

81. I was impressed by the enthusiasm and zeal that members of the local community have shown in grasping the opportunity offered by the Localism agenda. The draft plan seems to me to be a thorough, and soundly, based document.
82. Irrespective of my decision on this appeal there are good reasons for the MNSG to continue with its important job of shaping the future development of the town based on local priorities and using local knowledge. A lot of beneficial work still needs to be done. For example: improvement of the town's heritage assets should continue so that Malmesbury makes the most of its history and attractiveness to visitors; retail provision (and parking) still requires improvement so that people are encouraged to spend more time and money in the town's shops and on local services; employment in the town, although good, would always benefit from further stimulation; some sports facilities could do with relocation and upgrading, and; more school places, particularly at primary level, facilitated. Work on all this in the dMNP can, and should, continue and I hope it does.
83. Regarding schooling, Malmesbury School (Secondary) has capacity for the foreseeable future but the town's successful C of E Primary School is effectively full. This latter concern is a problem which requires an urgent solution but is not something which, on its own, would justify a refusal of planning permission for the appeal scheme.
84. The Local Education Authority has a duty to provide school places for appropriately aged children living in its area. There are some spare primary places in surrounding village schools so bussing is an option; if not an ideal one. Indeed, the Appellant's completed Unilateral Undertaking (UU) offers £238,000 (two hundred and thirty eight thousand pounds) towards the costs of this. Alternatively, it would be physically possible to provide some temporary accommodation at the C of E Primary School site despite the Governor's objections to this course (and accepting the likely conversion of the school into an Academy).
85. The offer of a primary school site, as part of the Filands' proposals, remains in place but that does not mean that an inefficient, split school, site has to be the result. The 2ha, or so, area of land remains available to the community at a nominal cost whether or not a new primary school is built there; subject only to a covenant that the land be used solely for educational purposes.
86. The Appellant's UU will provide £1,057,211 (one million, fifty seven thousand, two hundred and eleven pounds) as part of its Primary School Education Contribution. Add this sum to the likely Government's New Homes Bonus, of about £1,670,000 (one million, six hundred and seventy thousand, pounds), payable on completion of 180 or so new dwellings provided by the implementation of any approved appeal scheme, and it is obvious that substantial funds could be made available for use by the local community as part of the dMNP process. Some of these monies could purchase more land close to the existing primary school so that it could be expanded, to provide additional pupil places, in situ. Another good reason why the MNSG should continue with its work.

87. For completeness it should be noted that the UU also provides £616,536 (six hundred and sixteen thousand, five hundred and thirty six pounds) towards the cost of the provision of secondary school infrastructure.
88. I have also considered the concerns about the impact of my decision on the wider Localism agenda. It is not unusual for planning, or other, policies to be not always pulling in the same direction. In this instance there are existing national policies on the need to boost housing which have come into conflict with other Government objectives, whereby local people should be given more say about what goes on where they live. So a balancing exercise needs to be done in individual cases depending on particular circumstances. But as the dWCS, and its companion dMNP, move closer towards adoption more weight will be given to their specific requirements thereby reducing any potential for conflict through developers' rights of appeal which are enshrined in the Act.

Overall Conclusions

89. There is presently an absence of specifically identified housing sites, in any adopted DP Document, which show how the dWCS requirements for Malmesbury would be satisfied. Also, on the balance of probabilities, there is likely to be a shortfall in the 5 year supply of deliverable housing in the North and West Wiltshire HMA for the period up to April 2017. It follows that the DP is either silent, or out-of-date, on these matters. The appeal scheme is the kind of sustainable development to which the presumption in its favour, under paragraph 14 of the NPPF, applies. Taking all this into account, and including my deduction that any adverse impacts caused by allowing this appeal would not significantly, and demonstrably, outweigh the benefits (when assessed against the policies of the NPPF as a whole), the second bullet point under the heading *...For **decision-taking**...*, applies. This means that there should be a grant of planning permission.
90. I have considered whether allowing the development proposed now would have such a negative community effect, through prematurity, as to prejudice the ability of any future adopted dWCS, or dMNP, to influence the siting, location or phasing, of new development either within the wider district as a whole or as regards this market town in particular. But I have concluded that there are no such significant negative effects sufficient to outweigh the presumption in favour of sustainable development.
91. Taken together all this represents material considerations sufficient to override the normal presumption in favour of the DP and is sufficient to allow the grant of a conditional planning permission.

Conditions

92. Conditions should only be imposed if they are; reasonable, enforceable, precise and relevant both to planning and to the development to be permitted.
93. Although this is an outline application detailed assessments and statements were material in my deciding to grant planning permission. It is important, therefore, that what would normally be detailed requirements are also reflected in the conditions that I impose now despite the further opportunities offered for control at the detailed application stage.

94. The plans which make-up the permitted scheme need to be specified for the avoidance of doubt as to what constitutes the planning permission. The materials to be used on external surfaces, as well as landscape designs (including earth moulding, retained trees and hedgerows, boundary treatments and the finished slab levels of buildings) should be specified to tie them to the illustrative proposals and to protect the visual and natural environment. Estate roads, along with the provision of necessary footpaths, verges and site lines, as well as bus stops and street furniture, are needed to provide for safe and convenient access. Notwithstanding permitted development rights the change of use of garages to habitable accommodation needs to be restricted to help prevent the proliferation of car parking on the highway.
95. Such matters as: the storage and recycling of waste; surface water and foul drainage; the provision of services; the protection of possible archaeological and ecological remains /resources; the identification and removal of contaminated land, and; the method of construction on the site, are additional matters which need to be controlled so that the best use of the appeal lands and its resources are achieved and unnecessary pollution avoided.
96. But it is not necessary to specify all the steps required to rectify any land contamination. These could be included as part of any agreed remedial works. Similarly, the Environment Agency's concerns should be satisfied as part of the conditioned drainage schemes rather than be set out in any detailed notes informing such conditions.

Legal Undertaking

97. The signed section 106 UU is a legal covenant and once it comes into effect its terms are binding on the person(s) against whom it is enforceable. In this case the provisions for: securing affordable housing on the site, and; financial contributions towards education provision in the locality, public transport, open space provision and its continued maintenance, together with the provision of waste bins, are all legitimately required (by policies C2, H5 and CF3 of the North Wiltshire Local Plan 2011, the North Wiltshire Local Development Framework Affordable Housing SPD 2008 and the Wiltshire Council Waste Collection Guidance for New Developments 2011).
98. The UU meets the tests set out in the current CIL regulation 122 in that it is: necessary to make the development acceptable in planning terms; directly related to the development, and; fairly and reasonably related in scale and kind to the development.

Colin A Thompson

Annex (A), Conditions

- 1) An application for approval of the reserved matters shall be made to the LPA not later than three years from the date of this permission;
- 2) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved;
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans, and other documents: Site Boundary MAL3D01; Illustrative Master Plan MAL3D03; Site Survey DTS020811-1M6 (1 of 3 and 2 of 3); Access ITB4117-GA-010C; Access ITB4117-GA-014; West Filands Supplementary Design Information, dated November 2012, and; Air Quality Statement by Stuart Michael Associates, SMA Reference 3894/AQA;
- 4) No development hereby permitted shall take place until samples of the materials to be used in the construction of the external surfaces of the building works hereby permitted have been submitted to and approved in writing by the local planning authority (LPA). Development shall be carried out in accordance with the approved details;
- 5) No development hereby permitted shall take place until there has been submitted to, and approved in writing by, the LPA a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed, before the buildings are occupied, in accordance with a timetable agreed in writing with the LPA. Development shall be carried out in accordance with the approved details;
- 6) No development hereby permitted shall take place until full details of both hard and soft landscape works have been submitted to, and approved in writing by, the LPA. These details shall include: indications of all existing trees and hedgerows on the site (including their spreads) with details of any to be retained together with measures for their protection in the course of development; all species, planting sizes and planting densities; proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (that is furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (that is drainage, power, communications cables, pipelines etc indicating lines, manholes, supports etc). All hard and soft landscape works shall be carried out in accordance with the approved details and shall be completed prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the LPA.
- 7) Any "retained tree", means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 1 year from the completion of development;
 - (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the

- written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)];
- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority, and;
 - (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority;
- 8) No development hereby permitted shall take place until details of all earthworks have been submitted to, and approved in writing by, the LPA. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and the surrounding landform. Development shall be carried out in accordance with the approved details to a timetable agreed in writing with the LPA;
 - 9) No development hereby permitted shall commence until the ground slab levels of any buildings have been submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details;
 - 10) Construction of the dwellings hereby permitted shall not commence until details of estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfalls, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, car parking and street furniture, including the timetable for provision of such works (and any details of the proposed access to the primary school land along with any agreements about the acceptability of partial completions of road surfaces, and other services, allowable during different phases of construction), have been submitted to and approved in writing by the LPA. No dwellings shall be occupied until the items so approved have been provided in accordance with the approved details, unless an alternative timetable is agreed in writing with the LPA;
 - 11) Before preparation of any ground works and foundations for the dwellings hereby permitted the site's access shall be completed, to base course level, together with the surface water and foul sewers, to the extent shown on drawing ITB4117-GA-010C, and to the standard approved in writing by the LPA;
 - 12) No development hereby permitted shall take place until the details for the bus stops and shelters on the north and south sides of the B4014 Filands have been submitted to, and approved in writing by, the LPA. The bus

- stops and shelters shall be carried out in accordance with the approved details and provided prior to the first occupation of any dwelling hereby approved;
- 13) No dwelling hereby approved shall be occupied until details of all access, turning areas, car parking and cycle parking facilities to be provided, within the site of the development hereby approved, shall have been submitted to and approved in writing by the LPA. The approved works shall be carried out in accordance with approved details, prior to the occupation of the associated dwellings, and thereafter retained for the approved purpose;
 - 14) No part of the development hereby permitted shall first be occupied until the visibility splays shown on the approved plans, for the main site access, have been provided with no obstruction to visibility over 900mm above the nearside carriageway level. The visibility splays shall be maintained free of such obstruction at all times thereafter;
 - 15) Notwithstanding the provisions of the Act or the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), the garages hereby permitted shall not be converted to habitable accommodation;
 - 16) Construction of the dwellings hereby permitted shall not commence until details of storage and recycling facilities, including details of the location, size, means of enclosure and materials, have been submitted to and approved in writing by the LPA. And a dwelling shall not be first occupied until the approved refuse storage for that dwelling has been completed and made available for use in accordance with the approved details and it shall be retained in accordance with the approved details thereafter.
 - 17) No development hereby permitted shall commence on site until a surface water drainage scheme for the site, based upon sustainable principles and an assessment of the hydrological and hydro-geological context of the development, together with a phasing scheme, has been submitted to and approved in writing by the LPA. The scheme shall include details of how the works shall be maintained and managed after completion. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed or is otherwise in accordance with the approved phasing scheme.
 - 18) Development hereby permitted shall not begin until details of the works for the disposal of sewage, together with a phasing scheme, have been submitted to and approved in writing by the LPA. No dwellings shall be occupied until the approved sewage details for that dwelling have been fully implemented in accordance with the approved plans and phasing scheme;
 - 19) No development hereby permitted shall be commenced until a written programme of archaeological investigation, which should include on-site fieldwork and post-fieldwork activities such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the LPA. The programme approved shall then be carried out in its entirety before any dwellings are occupied;
 - 20) Prior to submission of any reserved matters application(s) an Ecological Management Plan for the development shall be submitted to and

approved in writing by the LPA. This plan shall set out appropriate measures to protect and enhance biodiversity across the site and shall be completed along with the site's approved landscaping schemes;

- 21) No development hereby permitted shall commence on site until a scheme for the provision of water, gas, electricity and telecommunications services (including those necessary to serve the primary school site) and phasing has been submitted to and approved in writing by the LPA. Development shall be carried out (including those needed to service the primary school site) in full accordance with the approved scheme and its phasing;
- 22) No development hereby permitted on site shall commence until an investigation of the history and current condition of the site, has been undertaken, to determine the likelihood of the existence of contamination arising from previous uses, in, on or under, the site. From this investigation a scheme of remediation shall be submitted to and approved in writing with the LPA and that remediation scheme shall be implemented in full either in accordance with an agreed timetable or before any houses hereby approved are occupied, and;
- 23) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: hours of operation; the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; wheel washing facilities; measures to control the emission of dust and dirt during construction; a scheme for recycling/disposing of waste resulting from demolition and construction works, including deliveries.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr S Sauvain QC	Instructed by the Council
He called	
Mrs G Clampitt-Dix BA(Hons) MRTPI	Spatial Planning witness
Mr N Tiley BSc(Hons) Maths	Housing Land Supply witness
Mr T Lindsay BSc MBA PGCE	Education witness

FOR THE APPELLANT:

Ms M Cook of Counsel	Instructed by the Appellant
She called	
Mr M C Gimmingham BA(Hons) BTP CMILT MCIHT	Highways witness
Mrs J Mulliner BA(Hons) BTP(Dist) MRTPI	Spatial Planning, and Housing Land Supply, witness

INTERESTED PERSONS:

Cllr J Gundry	Malmesbury Town Councillor (MTC) and Malmesbury Neighbourhood Steering Group (MNSG)
Cllr K Power	MTC and MNSG
Cllr R Rogers	Chair of Oaksey Parish Council
Dr A Rose PhD	Statistician (written statement)
Mr C Wilton	Chair of Governors at Malmesbury Primary School
Cllr R Budgen	St Paul Without Parish Council and Chair of Malmesbury & St Paul without Residents' Association
Cllr W Blake	Chairman of the Planning and Environmental Issues Committee MTC
Mr G Godwin	Director, Pegasus Group
Mr Whitehead	WPB on behalf of Dyson UK
Ms J Thomas DipLA(Dist) FLI	Landscape objector (including evidence from Mr R Camlin, Camlins Landscape Architects)
Mr S Sharpe	Local Businessman
Cllr Killane	Wiltshire District Councillor and MNSG

DOCUMENTS (Put-in at the Inquiry)

- 1 Statement of Common Ground (Planning)
- 2 Statement of Common Ground (Housing Supply Matters)
- 3 Agreed Highways Technical Note
- 4 Signed section 106 Unilateral Undertaking
- 5 Bundle of Papers put-in by the LPA ((i) Opening and Closing Statements not included)

- (ii) Plan of new Unitary Council area
 - (iii) Email from Ian Kemp dated 18 January 2013
 - (iv) dWCS Core Policy 2, including proposed change 18
 - (v) undated AMR extract
 - (vi) North Area Planning Committee Minutes dated 31 October 2012
 - (vii) Extracts from the dRPG Proposed Changes and Reasons
 - (viii) Development Templates for Strategic Allocations: Kingston Farm, Bradford-on-Avon
 - (ix) Email from Mark Fox, Pegasus Group, re Rawlins Green
 - (x) Malmesbury Area Schools
 - (xi) Malmesbury Conservation Area Appraisal
 - (xii) Dwelling Completions and Under Construction, 1996 /2012
 - (xiii) Market Towns: Dwellings 2006 and Proposed Dwellings
 - (xiv) Statement of Compliance of section 106 Unilateral Obligation with Reg 122 of the CIL Regs 2010
 - (xv) Planning Application 13/00308
 - (xvi) Council's position on the appeal scheme's likely New Homes Bonus
 - (xvii) Simplified Table 6a from HSoCG
 - (xviii) Council's Statement in respect of "Muscular Localism"
 - (xix) Colour copy of figure 3.8.2 from Core Document 4
- 6 Bundle of Papers put-in by the Appellant ((i) Opening and Closing Statements not included)
- (ii) Housing the Next Generation
 - (iii) Inset map 4: Chippenham
 - (iv) Illustrative Master Plan, North Chippenham
 - (v) Appellant's Statement in respect of Muscular Localism and Housing the Next Generation
 - (vi) Inside Housing: Councils ordered to boost housing in local plans (11 February 2013)
 - (vii) Persimmon's representations to Wiltshire Core Strategy Submission Document Proposed Changes
 - (viii) Graham Singer letter dated 31 January 2013, re South Chippenham
 - (ix) Wiltshire Infrastructure Delivery Plan Appendix 1: Chippenham (February 2012)
 - (x) WCS Topic Paper 3; Settlement Strategy, January 2012, Appendices
 - (xi) CP1 Settlement Strategy, Sheet C2: Self Containment
 - (xii) Mulliner email to Tiley, dated 4 December 2012
 - (xiii) Spending Power
 - (xiv) Households from the Office for National Statistics

7 Bundle of letters from Interested persons

Documents Sent to me after the Inquiry

8A+8B Draft Malmesbury Neighbourhood Plan, Volumes 1 and 2